



Department
of Health

Healthcare Workforce Bonus (HWB) Program

Townhall Meeting (8/26/22)

Housekeeping



All attendees will be on mute throughout the presentation



Please send all questions to NYSWorkersBonus@health.ny.gov

Today's Update

- Overview of 8/19 Townhall
- Correction to Qualified Employer Definition from 8/19 Townhall
- 9/2 Submission Date and Grace Period for 1st Vesting Period
- Determining Employee Eligibility
 - Base Salary Examples
 - Employee Eligibility Clarifications
 - Employee Separation Clarification
- Enforcement
- Operational Portal/Questions

Summary of August 19, 2022, Townhall



All Information has been summarized in FAQs posted to the DOH website

- Program Overview
- Determination Process
- Qualified Employers
- Registration and Tax Related Questions
- Eligible Employees
- Attestation Clarifications
- Operational/Portal Questions
- Payment Clarifications
- Using the Healthcare Worker Bonus Portal

Updates

- The Department would like to **correct** a misinterpretation presented at last weeks Townhall regarding Qualified Employers and Eligible Employees

Correction Employer Eligibility Clarification

- The statute provides two separate definitions for qualified employers, **both** of which are subject to the requirements of the Healthcare Workforce Bonus (HWB) program.
 - *See SOS § 367-w(2)(b) and (c).*
- Under paragraph (2)(b), an employer is subject to the HWB program if they meet all of the **four** following criteria:
 1. They are a Medicaid enrolled provider
 2. They bill for Medicaid services (either through FFS, managed care, or a 1915(c) waiver)
 3. Employ at least one eligible employee
 4. A. Are included in the list of provider and facility types in the statute, **OR**
B. Subject to a certificate of need (CON) process, **OR**
C. **The Employer serves at least 20% Medicaid enrollees**

The Department is not prescribing a specific methodology to determine the 20 percent Medicaid threshold criteria. The onus is on the employer to determine whether it is in compliance with this criteria as part of the employer attestation which is required as part of the HWB claim submission process.

Grace Period for Vesting Period 1 Submission

- The Department acknowledges some Providers may not be able to complete Vesting Period 1 claims by the close of the first vesting period (September 2, 2022)
- For Vesting Period 1 employers *will* be able to submit claims for Vesting Period 1 during Vesting Period 2 (October)
 - Employers should make every attempt to submit claims for Vesting Period 1 as soon as employee is eligible
 - Employers must validate that employee(s) met all other qualifying criteria during the respective vesting period
 - The HWB Portal will be closed for submissions from September 3, 2022 – September 30, 2022, but Providers may submit for Vesting Period 1 during the Vesting Period 2 Submission period which begins on October 1, 2022, and ends October 31, 2022
 - An extension to submit for Vesting Period 1 will be limited to only the submission close date for Vesting Period 2 (October 31st)

Vesting Period Schedule

Vesting Period	Vesting Period Start Date	Vesting Period End Date	Employer Submission Start Date	Employer Submission Close Date
One	October 1, 2021	March 31, 2022	August 3, 2022	September 2, 2022
Two	April 1, 2022	September 30, 2022	October 1, 2022	October 31, 2022
Three	October 1, 2022	March 31, 2023	April 1, 2023	May 1, 2023
Four	April 1, 2023	September 30, 2023	October 1, 2023	October 31, 2023
Five	October 1, 2023	March 31, 2024	April 1, 2024	May 1, 2024

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Determining Employee Eligibility – Calculating Base Salary

Period	Salaried Employees	Hourly Employees
Vesting Period for Employee Attestation	<p><u>Example method:</u> Base Salary = Annual Salary divided in half <i>minus any bonuses or overtime pay received in the vesting period</i></p> <p><u>Example:</u> Annual Salary = 50K</p> <p>Employers should report Salary as 25K during 6-month vesting period</p>	<p><u>Example method:</u> Base Salary = [Hourly Wage * (Average Hours Worked in Vesting Period – Overtime Hours) * 26 weeks <i>minus any bonuses or overtime pay received in the vesting period</i>]</p> <p><u>Example:</u> Earns \$25/Hour and worked 35 Hours per week excluding overtime over the six-month period = \$22,750 (25*35*26)</p>
Annual Salary for Submission on HWB Template	Annual Salary	Vesting Period Earnings * 2

Determining Employee Eligibility – Calculating Average Hours

Question	Answer
My Employee worked exactly 30 hours in this vesting period, are they eligible for \$500 or \$1000?	\$1,000
Would OT hours count towards Average Hours Worked?	No
My employee worked 40 hours split evenly across two affiliated facilities, should those be combined for the purpose of bonus calculation?	No, unless the facilities are operating (or linked) under one MMIS ID's/SFS Vendor ID's
My organization does not track hours for salaried employees, what should I enter for these otherwise eligible employees?	Full time salaried employees that are otherwise eligible should be claimed at \$1,500 per vesting period. The Employer should enter 37.5-40 hours per week in the HWB Portal

SOS §367-w (4)(a)(ii) states "employees who have worked an average of *at least thirty* but less than thirty-five hours per week over the course of a vesting period would receive a one-thousand-dollar bonus for such vesting period"

Eligibility Clarification – Medical Residents who move to alternate residencies or attending roles

Resident works at Hospital A for a portion of the vesting period



Employee takes a new job at Hospital B during vesting period, which is affiliated with Hospital A— *Employee eligible for bonus assuming all other eligibility criteria is met*



Employee takes a new residency or attending role at Hospital B for a during the vesting period, which is not affiliated with Hospital A— **in recognition that residents move to other residencies or attending roles around June/July, residents should be considered eligible during Vesting Periods: 1/2, 3 and 5**. The *only* vesting period that would present inconsistencies with seasonal changes in employment for residents would be Vesting Period 4.

Employee Eligibility – Examples

The following titles are eligible:

- **Medical Residents and Medical Fellows** have been determined to be **eligible** titles under the authority provided by SOS § 367-w(2)(a)(iii)
- **Contract Staff** For the purposes of the HWB program, qualified employers that have engaged in staffing arrangements to obtain workforce services (PEOs, and other third-parties) for employees engaging in frontline hands-on health care services in eligible employee titles are eligible for the HWB. The qualified employer, not the contracted agencies, must submit bonus claims for staff that perform work for the qualified employer under such arrangements and that otherwise meet the eligibility criteria to be an eligible employee
 - *See Updated FAQs on the HWB Website for more information*
- **Management and Supervisors, such as Nursing, Tech Supervisors, Dietary Supervisors**
 - Management and supervisors that also work under an eligible title and otherwise meet all criteria for eligibility are **eligible** for the bonus. Management and supervisory responsibilities alone do not disqualify an employee from eligibility
- **Employees of Providers that meet the 20% Medicaid threshold** are **eligible** if they work under an eligible title and otherwise meet all criteria for eligibility as providers are considered qualified employers under SOS 367-w(2)(b) if the employer meets the 20% Medicaid threshold.

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Employee Eligibility – Examples (Con't)

- The following titles which apply to care settings are *not eligible*:
 - An “other healthcare support staff” worker that is employed by an article 28 institution but **does not work at a patient care building is not eligible** as they work in a setting where patient care is not provided.
 - **Volunteers**

Employee Separation and Bonus Eligibility

Separation Facts	Employee is Eligible	Employee is not Eligible
The employee vested, was employed at the time of the claim, and the employee continues to be employed when the employer receives the bonus payment.	✓	
The employee vested, was employed at the time of the claim, and stays with the employer for at least 30 days after the employer received the bonus payment. The employer fails to pay the bonus within 30 days of receipt, then the employee leaves.	✓	
The employee vested and then the employee is terminated by the employer.	✓	

Separation Facts	Employee is Eligible	Employee is not Eligible
The employee vested, was employed at the time of the claim, and then the employee is terminated by the employer.	✓	
The employee vested but the employee quits the employer prior to the bonus being claimed.		✓
The employee vested, was employed at the time of the claim but the employee left before the employer receives and the bonus payment.		✓
The employee vested, was employed at the time of the claim and when the employer received the payment, but the employee leaves less than 30 days after the employer received the payment.		✓

Enforcement

- The **employer's determination of employee eligibility** will be subject to review.
 - *SOS §367-w (3)(d) requires employers to maintain contemporaneous records to substantiate claims submitted and such records must be submitted upon request to the Department, OMIG, DOL, HHS and MFCU. SOS §367-w (5) permits OMIG, in consultation with the Department, to conduct audits, investigations, and reviews of employers submitting claims for the HWB.*
- **If a qualified employer fails to identify, claim, or pay a bonus to an eligible employee** they are subject to sanction, up to and including exclusion from the Medicaid program, and may be subject to penalty. See SOS §367-w (5).
- If the employer receives a bonus for an employee who is not eligible to receive a bonus or an amount in excess of what the employee is qualified for that bonus amount must be returned to the Department. **An employer is not entitled to retain any portion of the bonus payment.**
- **All recovery of inappropriately paid bonus payments shall be recovered from the employer** and the employer does not have the right to recover any inappropriately paid bonus from the employee. See SOS §367-w (5)(d).

Operational/Portal Questions

- **Deactivations of portal accounts**

- If a portal user needs their own account deactivated, they should send an email to NYSWorkersBonus@health.ny.gov, including the email address and MMIS ID or SFS Vendor ID associated with the user's registration.
- If requesting another user's account to be deactivated, the employer should CC: the registered portal user on the email when requesting the deactivation. If an employer is unable to enroll in the portal because someone from their organization is already registered, and they are unsure of who is registered, the authorized representative of the organization should send an email indicating asking for the existing user to be deactivated. The State will coordinate with employers through the BML email address to ensure the appropriate individual has access to the portal

Using the HWB Portal

- A YouTube Channel has been created to provide training videos on how to utilize the HWB Portal: <https://www.youtube.com/channel/UCX7BDsiCj7XjMBnly8nOrbQ>
- The following videos are available for you to view at your convenience:
 - *NYS HWB User Registration*: <https://www.youtube.com/watch?v=1EtYygooL3k>
 - *NYS HWB Portal Home Page Navigation*:
<https://www.youtube.com/watch?v=lgx59u79EPU>
 - *NYS HWB Bonus File Template Instructions*:
<https://www.youtube.com/watch?v=M2MrIOGqbBo>
 - *NYS HWB Uploading a Bonus File*: <https://www.youtube.com/watch?v=1K5-SiZYIuU>
 - *NYS HWB Uploading a Bonus File with Errors*:
<https://www.youtube.com/watch?v=HWjU-l89bms>
 - *NYS HWB Portal Manual Entry*: <https://www.youtube.com/watch?v=itl1GtHd4k0>

Next Steps

- Upcoming Townhalls:
 - Friday, September 2nd (Slides will be Posted)
- Frequently Asked Questions (FAQs)
 - The Department anticipates regular updates each Friday around noon.
 - https://health.ny.gov/health_care/medicaid/providers/hwb_program/hwb_program_faq.htm

HWB Questions and Resources



Questions

HWB Mailbox: NYSWorkersBonus@health.ny.gov



Website Resources

HWB General Information:

https://www.health.ny.gov/health_care/medicaid/providers/hwb_program/

HWB Frequently Asked Questions (FAQs):

[Health Care Worker Bonus Program Frequently Asked Questions \(ny.gov\)](#)

HWB Program Portal: <http://www.nysworkerbonus.com/>